

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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JIMMIE VANCE GRUBBS,	:	Civil Action No. 13-4708 (JBS)
	:	
Petitioner,	:	
	:	
v.	:	<u>OPINION</u>
	:	
JORDAN R. HOLLINGSWORTH,	:	
	:	
Respondent.	:	
_____	:	

JEROME B. SIMANDLE, Chief Judge:

Petitioner Jimmie Vance Grubbs, a prisoner confined at the F.C.I. Fort Dix, Fort Dix, New Jersey, has filed a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2241, challenging his conviction and sentence rendered by the United States District Court for the Western District of North Carolina.

[Docket Item No. 1.] However, prior to this filing, Petitioner had already commenced a substantively identical action in this District, seeking mandamus relief or, in the alternative, § 2241 habeas relief. See Grubbs v. Hollingsworth, Civ. Action No. 12-2085 (JBS) (D.N.J.). This Court dismissed Petitioner's prior action for lack of § 2241 jurisdiction or mandamus power. [Id., Docket Items Nos. 2 and 3.] Therefore, the instant matter is subject to dismissal under the doctrine of res judicata, see McCleskey v. Zant, 499 U.S. 467, 486 (1991) (pointing out that § 2244(b) "establishes a 'qualified application of the doctrine of

res judicata' [to habeas actions]") (citation to legislative records omitted), or, in the alternative, for lack of § 2241 jurisdiction, as detailed in this Court's ruling with regard to Petitioner's prior action.

Correspondingly, the within petition will be dismissed. An appropriate Order follows.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
Chief Judge
United States District Court

Dated: **August 14, 2013**